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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,733	10/29/1999	NORIAKI ASAMOTO	JA9-98-146	7683

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/430,733	<b>Applicant(s)</b> ASAMOTO ET AL.	
	<b>Examiner</b> KIEU-OANH T. BUI	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 8-22 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 8-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US Patent No. 6,205,284 B1).

Regarding claim 8, Kim discloses a data receiving apparatus (Fig. 1 for a receiving apparatus) and its corresponding method for automatically scheduling the recording of broadcast programs without user intervention (col. 2/lines 10-44 for the VPS function automatically reserves and schedules the recording of broadcast programs during unattended recording sessions) comprising:

“reservation accepting means for accepting reservation requests of one or more data broadcast programs that are sequentially transmitted in groups over ones of multiple channels such that programs in different channels can overlap each other in time”, i.e., reservation is established based on customer profiles with customer’s customized programs and times for different programs in different channels can be broadcasted overlap in times (col. 1/lines 35-40 for overlapped programs, and Fig. 3, col. 3/line 60 to col. 4/line 20 for reservation accepting and settings);

“a reception and storing means for recording one data broadcast at a time” (Fig. 1 & 3, with a storage unit 16, and col. 1/lines 40-65 for storing the reservation data);

“grouping means for grouping the reserved data broadcast programs into one or more groups in which each group contains programs that interfere each other with respect to recording by the reception and recording means”, i.e., channels can be grouped together based on their assigned priority and even to different programs on different channels or different programs on the same channel (col. 3/line 15-44, as in step a, programs can be reserved in a group or set of programs, and in step b for recording priority fro the set as in step a above);

“priority assigning means for assigning a unique recording priority to each group and to each program within a group such that all of the reserved repeating programs can be recorded in sequence according to the assigned priorities”, i.e., channels can be grouped together based on their assigned priority from the user and even to different programs on different channels or different programs on the same channel (Figs. 4a & 4b for reservation including priority assignment).

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As for claim 9, Kim further discloses “comprising means responsive to a request to cancel a reserved program for re-prioritizing all remaining reservation requests”, i.e., the user controls and determines the order of priority, so that the reservation can be canceled or changed (col. 4/lines 36-60, and Figs. 4A at step 403 as whether the reservation is set or not).

As for claim 10, Kim further discloses “means responsive to a request to add an additional program to the reserved programs for re-prioritizing all reservation requests”, i.e., the user can add an additional program to the reserved (recording) programs if he wishes, then, the adding request causes re-prioritizing all (pending) reservation requests (col. 5/lines 5-43 as the user chooses which program to add in for recording reservation).

As for claim 11, Kim further discloses “means for identifying reserved programs that overlap directly with each other or that indirectly overlap via another reserved program and means for placing all such directly and indirectly overlapping programs in the same group” (col. 1/lines 27-40).

As for claims 12-16 and 17-22, these claims for “an apparatus and a method together with a computer program product for automatically scheduling without user intervention the recording of broadcast data programs that are sequentially and repetitively transmitted in groups over one of multiple channels such that programs in different channels can overlap each other in time” with same limitations as earlier addressed are rejected for the reasons given in the scope of claims 8-11 as already discussed in details above.

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***Conclusion***

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** (703) 872-9306, (for Technology Center 2600 only)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611

KB  
May 02, 2005